

**Practitioner's Docket No.**

**1062/D70**

***PATENT***

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Demers et al.

Application No. 10/696,969

Group No.: 1651

Filed: October 30, 2003

Examiner: Michael G. Wotyshun

For: SYSTEM, DEVICE, AND METHOD FOR MIXING A SUBSTANCE WITH A LIQUID

**Mail Stop Amendment**

**Commissioner for Patents**

**P.O. Box 1450**

**Alexandria, VA 22313-1450**

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

### **List of Sections Forming Part of This Supplemental Information Disclosure Statement**

The following sections are being submitted for this Supplemental Information Disclosure Statement:

*(check sections forming a part of this statement: discard unused sections and number pages consecutively)*

1. ☒ Preliminary Statements
2. ☒ Forms PTO/SB/08A and 08B (substitute for Form PTO-1449)
3. ☒ Statement as to Information Not Found in Patents or Publications
4. ☐ Identification of Prior Application in Which Listed Information Was Already Cited and for Which  
No Copies Are Submitted or Need Be Submitted
5. ☐ Cumulative Patents or Publications
6. ☒ Copies of Listed Information Items Accompanying This Statement
7. ☐ Concise Explanation of Non-English Language Listed Information Items
  - 7A. ☐ EPO Search Report
  - 7B. ☐ English Language Version of EPO Search Report
8. ☐ Translation(s) of Non-English Language Documents
9. ☒ Concise Explanation of English Language Listed Information Items (Optional)
10. ☒ Identification of Person(s) Making This Supplemental Information Disclosure Statement

*(complete the following, if appropriate)*

Sections \_\_\_\_\_, respectively, have been continued on ADDED PAGE(S).

*NOTE : "Once the minimum requirements are met, the examiner has an obligation to consider the information." Notice of April 20, 1992 (1138 O.G. 37-41, 37).*

## **Section 1. Preliminary Statements**

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this supplemental information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. section 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this supplemental information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

**SECTION 2. FORMS PTO/SB/08A and 08B (formerly Form PTO-1449)****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Demers et al. Attorney Docket: 1062/D70  
Serial No: 10/696,969 Art Group Unit: 1651  
Date Filed: October 30, 2003 Examiner Name: Michael G. Wotyshyn  
Invention: SYSTEM, DEVICE, AND METHOD FOR MIXING A SUBSTANCE WITH A LIQUID

**LIST OF PATENTS AND PUBLICATIONS FOR  
APPLICANT'S SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

| U.S. PATENT DOCUMENTS |                  |                 |                                 |                  |                |
|-----------------------|------------------|-----------------|---------------------------------|------------------|----------------|
| Examiner Initials     | Reference Number | Document Number | Issue Date/<br>Publication Date | Inventor         | Class/Subclass |
| /MMCG/                | GR               | 4,798,580       | Jan. 17, 1989                   | DeMeo et al.     | 604/60         |
| /MMCG/                | GS               | 5,267,956       | Dec. 7, 1993                    | Beuchat          | 604/30         |
| /MMCG/                | GT               | 6,109,881       | Aug. 29, 2000                   | Snodgrass et al. | 417/53         |

| U.S. PUBLISHED PATENT APPLICATIONS |                  |                 |                                 |                 |                |
|------------------------------------|------------------|-----------------|---------------------------------|-----------------|----------------|
| Examiner Initials                  | Reference Number | Document Number | Issue Date/<br>Publication Date | Inventor        | Class/Subclass |
| /MMCG/                             | GU               | 2003/0229302    | Dec. 11, 2003                   | Robinson et al. | 604/4.01       |

Examiner Signature: /Marcela M Cordero Garcia/

Date Considered: 03/09/2009

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation *if not* in conformance and not considered. Include copy of this form with next communication to applicant.

## Section 6. Copies of Listed Information Items Accompanying This Statement

*NOTE: 37 C.F.R. section 1.98(a)(2) requires that any information disclosure statement filed under section 1.97 shall include: "A legible copy of: (1) Each U.S. and foreign patent; (ii) Each publication or that portion which caused it to be listed; and (iii) All other information or that portion which caused it to be listed, except that no copy of a U.S. patent application need be included . . ."*

*NOTE: The wording in section 1.98(a)(2)(iii) makes it clear that the requirement to submit a copy of each item of information listed in an information disclosure statement does not apply to the citation of a U.S. patent application. Notice of January 9, 1992, 1135 O.G. 13-25, at 14.*

Legible copies of all items listed in Forms PTO/SB/08A and 08B (substitute for Form PTO-1449) accompany this information statement.

*(complete the following, if applicable)*

☒ Exception(s) to above:

**U.S. patent citations are not included pursuant to the United State Patent and Trademarks Office's September 21, 2004 waiver of the copy requirement in 37 CFR 1.98 for cited pending U.S. patent citations when the patent citations are available in the USPTO's IFW system.**

☐ Items in prior application, from which an earlier filing date is claimed for this application, as identified in Section 4.

☐ Cumulative patents or publications identified in Section 5.

## Section 9. Concise Explanation of English Language Listed Information Items

*NOTE: "Applicants may, if they wish, provide a concise explanation of why English-language information is being submitted and how it is understood to be relevant. Concise explanations are helpful to the Office, particularly where documents are lengthy and complex and applicant is aware of a section that is highly relevant to patentability or where a large number of documents are submitted and applicant is aware that one or more are highly relevant to patentability." Notice of April 20, 1992 (1138 O.G. 37-47, 38).*

Disclosed herein are two newly cited references from related U.S. patent application no. 10/697,176, namely U.S. patent no. 4,798,580 (DeMeo) and U.S. patent no. 5,267,956 (Beuchat). Both of these references relate generally to pump cassettes for use with a pump (e.g., a peristaltic pump). Applicants believe that the claims are allowable over both DeMeo and Beuchat because, among other things, neither DeMeo nor Beuchat appears to teach or otherwise suggest the claimed inventions, including a receiving chamber and a container assembly controller as in the claims. Nevertheless, Applicants request that the Examiner perform an independent analysis of these references.

Also disclosed herein are two newly cited references from related U.S. patent application no. 10/697,450, namely U.S. patent no. 6,109,881 (Snodgrass) and U.S. published patent application no. 2003/0229302 (Robinson). Snodgrass relates generally to gas-driven pumps. Robinson relates generally to pump cassettes for use with a pump (e.g., a peristaltic pump). Applicants believe that the claims are allowable over both Snodgrass and Robinson because, among other things, neither Snodgrass nor Robinson appears to teach or otherwise suggest the claimed inventions, including a receiving chamber and a container assembly controller as in the claims. Nevertheless, Applicants request that the Examiner perform an independent analysis of these references.

## Section 10. Identification of Person(s) Making This Supplemental Information Disclosure Statement

The person making this certification is

*(check each applicable item)*

- (a) ☐ the inventor(s) who signs below

\_\_\_\_\_  
**SIGNATURE OF INVENTOR**

\_\_\_\_\_  
*(type name of inventor who is signing)*

- (b) ☐ an individual associated with the filing and prosecution of this application (37 C.F.R. section 1.56(c))

\_\_\_\_\_  
**SIGNATURE OF INVENTOR**

\_\_\_\_\_  
*(type name of inventor who is signing)*

- (c) ☒ the practitioner who signs below on the basis of the information:

*(check each applicable item)*

☐ supplied by the inventor(s).

☐ supplied by an individual associated with the filing and prosecution of this application.  
(37 C.F.R. section 1.56(c)).

☒ in the practitioner's file.

Reg. No.: 39,250

Tel. No.: (617) 443-9292

Customer No.: 002101

01062/00D70 769449.1

/Jeffrey T. Klayman, #39,250/

**SIGNATURE OF PRACTITIONER**

Jeffrey T. Klayman

*(type or print name of practitioner)*

125 Summer Street, 11<sup>th</sup> Floor

P.O. Address

Boston, MA 02110